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Federal Communications Commission  
Office of the Secretary  
H. H. McCAMPBELL, JR. (1905-1974)  
F. GRAHAM BARTLETT (1920-1982)

ALSO ADMITTED IN  
VIRGINIA:  
ROBERT S. MARQUIS

July 17, 1990

VIA FEDERAL EXPRESS

The Honorable Donna R. Searcy, Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

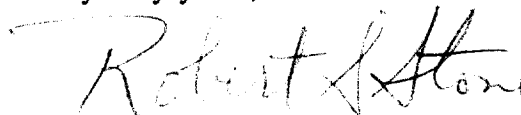
Re: BPH-870820MB, Hartford, Michigan

Dear Ms. Searcy:

We submit herewith, on behalf of our client, American Indian Broadcast Group, Inc. ("American"), an original and four (4) copies of a Petition for Leave to Amend, and accompanying amendment to its construction permit application now on file at the Commission, for a new FM station to serve Hartford, Michigan on FM Channel 279A (103.7MHz). Also enclosed is an additional copy of the Petition for Leave to Amend, which we would appreciate your returning to the undersigned in the enclosed, postage paid, self-addressed envelope, after the copy has been date stamped by your office.

Should you or any members of your staff have questions regarding the above, please communicate with the undersigned for clarification. Thank you for your cooperation in this matter. With kind regards, I remain

Very truly yours,



Robert S. Stone  
Counsel to American Indian  
Broadcast Group, Inc.

RSS/dgh  
Enclosures

cc: American Indian Broadcast  
Group, Inc. Public File

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FM EXAMINERS

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

Federal Communications Commission  
Office of the Secretary

In re Application of )  
 )  
American Indian Broadcast Group, Inc. ) File No. BPH-870820MB  
 )  
For Construction Permit for a New )  
Commercial FM Station, Channel 279A )  
in Hartford, Michigan )  
  
To: Chief, Mass Media Bureau

**PETITION FOR LEAVE TO AMEND**

American Indian Broadcast Group, Inc. ("American"), applicant for construction permit for non-reserved FM Channel 279A at Hartford, Michigan (BPH-870280MB), by counsel, and pursuant to §§ 1.65 and 73.35322(a)(6) of the Commission's Rules and Regulations, hereby respectfully submits its Petition for Leave to Amend its above-captioned application, so as to report changes in information previously filed as part of its application. In support whereof, the following is shown:

1. The amendment, proffered herewith, provides an updated status report relative

to other applications previously filed by American with the Commission. Specifically, the

action consistent with such requests. The most recent dismissals of American's applications for South Yarmouth, Massachusetts and Topeka, Kansas are reported for the first time.

2. The amendment also reports that American became the permittee of KFXJ, Abilene, Texas on June 14, 1990 and that American's application for San Angelo, Texas FM Channel 270C1 was granted, which action has now become final. As noted therein, the amendment also reports the favorable resolution of qualifying issues left outstanding as a result of the dismissals of American's DeWitt, Michigan and Atlantic City, New Jersey applications.

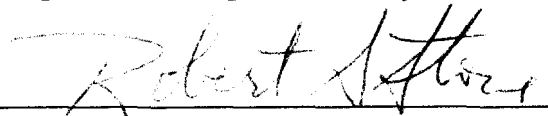
3. Information contained within the attached amendment must be reported pursuant to § 1.65 of the Commission's Rules. Moreover, the amendment involves no deficiency in the tenderability of American's application, and would not create any conflict with an application filed subsequent to the filing of its application in original form. "Good cause" also exists for the acceptance of the amendment in that no comparative "upgrading" is involved, the applicant has diligently prepared and filed the amendment, no disruption of proceedings or additional hearings would occur, and no competing applicant would be prejudiced by the information reported therein. While the proposed amendment was, strictly speaking, required by the "voluntary" act of the applicant, it is nevertheless acceptable in that it brings the applicant into compliance with § 1.65 of the Commission's Rules, as noted above. Accordingly, the applicant has shown good cause for the acceptance of the amendment, over and above its obligation to report significant changes regarding its pending application. See, Erwin O'Conner Broadcasting Co., 22 FCC 2d 140, 143 (Rev. Bd. 1970).

WHEREFORE, premises considered, American Indian Broadcast Group, Inc. respectfully urges the Chief, Mass Media Bureau to grant the instant petition and accept the accompanying amendment for association with its application consistent with the above.

Respectfully submitted,

AMERICAN INDIAN BROADCAST GROUP, INC.

McC Campbell & Young, Its Attorneys

BY:   
Robert S. Stone

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July 16, 1990

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AMENDMENT

Federal Communications Commission  
Office of the Secretary

The application of American Indian Broadcast Group, Inc. ("American") for authority to construct and operates a new FM broadcast station to serve Hartford, Michigan on FM Channel 279A (File No. BPH-870820MB) is hereby amended by the following information:

1. As previously reported, on August 14, 1989, American joined in a Joint Request For Approval Of Settlement Agreement relative to its application for a new FM station to serve the community of DeWitt, Michigan, which contemplated the dismissal of American's application in return for monetary consideration. By Memorandum Opinion and Order, FCC 89M-2208, released September 6, 1989, Administrative Law Judge Richard L. Sippel granted the above joint request and dismissed American's application. The above dismissal left unresolved a disqualifying certification issue added against American in the DeWitt, Michigan hearing designation order. Lansing Community College, 3 FCC Rcd 5491 (M. M. Bur. 1988). The above disqualifying issue was effectively resolved in American's favor, however, by Administrative Law Judge Joseph Chachkin, prior to his grant of American's application for a new FM station to serve San Angelo, Texas (4 FCC Rcd 8034), when considering then competing applicant Southwest Texas FM Limited Partnership's request for the addition of the same issue against American in that proceeding. Memorandum Opinion and Order, FCC 89M-1334, released May 4, 1989.

2. As previously reported, on July 14, 1989, American joined in a Joint Request For Approval Of Partial Settlement Agreement, contemplating the dismissal of American's application for a new FM station to serve Atlantic City, New Jersey. The above request was granted and American's Atlantic City application was dismissed by Memorandum Opinion and Order, FCC 89M-2533, released October 26, 1989. As also previously reported, the above dismissal left unresolved a financial misrepresentation issue against American, which issue was

subsequently resolved in American's favor. American Indian Broadcast Group, Inc., 4 FCC Rcd 8034 (Adm. L. J. 1989).

3. By Order, FCC 90M-903, released April 24, 1990, Administrative Law Judge Richard L. Sippel dismissed American's application for a new FM station to serve the community of South Yarmouth, Massachusetts (File No. BPH-880107NI) at American's request. No character issues had been requested or specified against American in connection with its South Yarmouth, Massachusetts application.

4. By Memorandum Opinion and Order, FCC 90M-1466, released June 4, 1990, Administrative Law Judge Joseph Chachkin dismissed American's application for a new FM station to serve Topeka, Kansas, pursuant to a settlement agreement with a competing applicant in that proceeding. No requested or outstanding character issues faced American at the time of the dismissal of its Topeka, Kansas application.

5. As previously reported, on January 22, 1990, American filed an application for consent to assignment of construction permit for KFXJ, Abilene, Texas, from CVC Broadcasting Corporation to American (File No. BPH-900122HD). The above application was granted on April 16, 1990, and was consummated on June 14, 1990.

DATED this 13<sup>th</sup> day of July, 1990.

AMERICAN INDIAN BROADCAST GROUP, INC.

By:   
Jack W. Bursack, President

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